CLASSIFICATION OFFICE DECISION

Title of publication:	Elliot_01
Other known title(s):	Not stated
OFLC ref:	1001397.000
Medium:	Computer Image File Printout
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	14 October 2010
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file printout is deemed objectionable because it promotes and supports the exploitation of children for sexual purposes.

The printout is a colour copy of a sexually explicit airbrush or digital painting of a young boy being subjected to sexual activity by an adult man. The likely purpose of the image is to titillate or arouse adults with a sexual interest in children. The fictional nature of the depiction does not alter this purpose. The availability of the image is likely to encourage sexual interest in children, and strengthen the idea that children may be used for adult sexual gratification. In computer file format the image is capable of distribution or trading among like-minded individuals. The effect is to encourage the sexual exploitation of children.

The classification of this publication interferes with the freedom of expression as set out in the New Zealand Bill of Rights Act 1990. However, this is an outcome that is consistent with Parliament's intention that publications which fall under the criteria of s3(2) of the Films, Videos, and Publications Classification Act 1993 will be deemed objectionable. The classification is a reasonable and demonstrably justified limitation on the freedom of expression that reflects the concern of a free and democratic society to protect vulnerable young children from exploitation.